

Exhibit 2

In the Matter Of:
HILLTOP CHURCH OF NAZARENE
VS
CHURCH MUTUAL INSURANCE CO.

James Maxwell Judge
May 26, 2022

James Maxwell Judge
May 26, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

| | | |
|-------------------------|---|----------------------------|
| HILLTOP CHURCH OF THE |) | |
| NAZARENE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CASE NO. 6:21-CV-00322-JCB |
| |) | |
| CHURCH MUTUAL INSURANCE |) | |
| COMPANY, |) | |
| |) | |
| Defendant. |) | |

ORAL VIDEOTAPED ZOOM DEPOSITION

JAMES MAXWELL JUDGE

May 26, 2022

ORAL VIDEOTAPED ZOOM DEPOSITION OF JAMES MAXWELL JUDGE, produced as a witness at the instance of the Defendant and duly sworn, was taken in the above-styled and numbered cause on the 26th day of May, 2022, from 9:36 a.m. to 11:34 a.m., via Zoom, before Debra K. Zebert, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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APPEARANCES

FOR PLAINTIFF:

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ALSO PRESENT:

Austin Parker, Videographer

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1 THE VIDEOGRAPHER: Okay. We're on the
2 record at 9:36. Today's date is May 26th, 2022. This
3 is the video deposition of James Maxwell Judge, in the
4 matter of Hilltop Church of the Nazarene v. Church
5 Mutual Insurance Company, Case No. 6:21-CV-00322-JCB.
6 Will counsel state your appearances for the record.

7 MR. CIRCELLI: Vinny Circelli, on behalf
8 of Plaintiff.

9 MS. BRUNING: Lindsey Bruning and Kiri
10 Deonarine, on behalf of Church Mutual Insurance Company.

11 THE VIDEOGRAPHER: Thank you very much.
12 Will the reporter please swear in the witness.

13 THE COURT REPORTER: Yes. I have a brief
14 read-on. I'm Kathy Zebert, the reporter for today's
15 deposition. Do counsel stipulate and agree that I may
16 administer the oath remotely and that the oath so given
17 is valid for all purposes of this deposition?

18 (All counsel stipulate.)

19 JAMES MAXWELL JUDGE,
20 having been first duly sworn, testified as follows:

21 EXAMINATION

22 BY MS. BRUNING:

23 Q. All right. Mr. Judge, my name is Lindsey
24 Bruning. I work for Church Mutual Insurance Company in
25 this case. We've not met before, correct?

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1 the -- this picture in the bottom right-hand corner that
2 we're talking about, did you see on this roof isolated
3 impact damage like granule loss -- you stated earlier
4 that you saw granule loss, and that was one the reasons
5 you --

6 A. You --

7 Q. -- determined hail damage. Hold on. Let me
8 finish -- sorry. Let me finish the question real quick.
9 I just want to make sure I'm clear. You stated earlier
10 that -- that you stated -- you stated that you saw
11 granule loss that would be consistent with hail damage,
12 and so I'm trying to -- to find out if there are -- and
13 I didn't see photographs in your -- in your file of that
14 granule loss specifically. So I'm just trying to
15 clarify whether or not you based your opinion on
16 evidence of -- of granule loss.

17 A. Can you scroll down just a little bit, and I
18 believe we might have another photograph to look at.
19 Scroll down a little further. That bottom left-hand
20 corner, you've got a shingle with a crescent shape torn
21 out that's in a valley, and, you know, that's, in my
22 opinion, from impact. And the likely cause of an impact
23 is a hailstorm.

24 You've got, you know, some other disturbance on
25 the shingle around, but I don't know how you get that

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1 crescent without there being a hail impact on the
2 shingle there. As far as granular loss, I -- we may
3 have that in some of these other photographs, but that's
4 -- there's another evidence of hail.

5 You've got the turbans, the appurtenance --
6 appurtenances, the turbans and the vents, and they've
7 had hail damage, and, you know, some of that may be from
8 a prior storm. But the turbans look like they're pretty
9 fresh and would be attributed to this storm.

10 Q. How can you tell if it's fresh versus -- or in
11 your terms, "pretty fresh"? How would you tell?

12 A. Okay. We can lower that a little bit and look
13 at the turban versus the -- the number. That's a 550
14 low-profile vent. We've got quite a bit of hail damage
15 on that, and I would assume that maybe the roof had been
16 replaced prior and they didn't replace that vent.

17 The vent seems to be functional, but then we've
18 only got one hail indentation on the turban. So it
19 would indicate to me that the turban was put on when the
20 roof was last replaced, but not the 550 vent. That
21 would be my assumption.

22 Q. Okay. Did you -- do you know -- do you know
23 when the roof was last replaced?

24 A. I'm not sure.

25 Q. How do you -- in your professional opinion, how

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1 do you rule out other causes of these -- this impact,
2 like in the lower left-hand corner?

3 A. I don't know anything that's going to cause
4 that other than hail damage.

5 Q. You don't know any other cause of -- anything
6 else that could cause impact damage other than hail?

7 MR. CIRCELLI: Objection, form.

8 A. If someone walked up the valley, they could
9 cause damage via foot traffic, but I don't think it
10 would present that way. It would be a tear and wouldn't
11 cut out a crescent like that. That's like a golf ball
12 hit the roof or a hailstone, and it hit right on the
13 edge of the shingle.

14 BY MS. BRUNING:

15 Q. Okay. Have you looked -- have you seen the --
16 the expert report from Church Mutual's engineer or
17 expert that Church Mutual hired from EFI Global?

18 A. I've seen EFI Global reports before. I don't
19 recall whether I saw one on this property or not.

20 Q. And he reported in -- on this property, he
21 reported very widespread granule loss throughout the
22 roof and attributed it to, you know, basically, it's a
23 15-plus-year roof and discussed ventilation and things
24 like that and blistering from -- from excessive heat.

25 Did you -- have you done any analysis of any

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1 causes of the damage that you saw up there in those
2 terms? Did you look at any of those types of causes?

3 MR. CIRCELLI: Objection, form.

4 A. Well, it does have ventilation. We'd have to
5 have an engineer to determine whether the ventilation it
6 has is adequate, but it does have ventilation. So I
7 wouldn't think you would have excessive heat that would
8 have damaged the shingles, but they do live in an
9 environment where the heat is -- they're sustained to an
10 abrasive brace environment, heat being one of the
11 components. Excessive is another issue.

12 As far as, you know, the granules being lost,
13 you can have scouring from hail. You're going to lose
14 granules over time. That's just a natural process of
15 the aging of the shingles. And -- but you can
16 accelerate that with hail, even small, pea-size hail
17 that wouldn't cause the impact damage that we have here.
18 We refer to that as scouring, and when you have an
19 excessive amount of granules that are lost, you expose
20 the asphalt, and it would accelerate that deterioration.
21 So scouring, small hail, can be just as damaging to a
22 shingle roof as -- as what the larger hail is.

23 BY MS. BRUNING:

24 Q. And -- but did you do any kind of analysis to
25 rule out any of these other -- any other causes in terms

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1 of -- of the widespread granule loss?

2 MR. CIRCELLI: Objection, form.

3 A. Ma'am, I found that between the wind and hail,
4 that it was -- I felt like that required the roof to
5 be -- would require the -- being replaced. And so I
6 didn't go off on a fishing expedition beyond that.

7 BY MS. BRUNING:

8 Q. Okay. All right. I'm going to take you back
9 up to your conclusions and -- evaluation, conclusions
10 and recommendation. In terms of the wind evaluation,
11 did you -- I think you've kind of -- you've already
12 explained where that -- those conclusions came from. It
13 was from the -- you saw the repairs that they had done,
14 the temporary repairs, and that's where you got the
15 basis for your causation analysis in terms of wind; is
16 that correct?

17 MR. CIRCELLI: Objection, form.

18 A. Yes, that and the building as it existed at the
19 time of my inspection. We had loose siding, soffit,
20 vinyl.

21 BY MS. BRUNING:

22 Q. Okay. Okay. If you go down to your
23 conclusion, you say the damage to this property is
24 consistent with the storm event dated 3/13/19 to the
25 exclusion of other potential storm events. Can you

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1 explain the basis of that opinion and how you excluded
2 other storm events?

3 A. Very oftentimes, we'll look at a piece of
4 property that has been through more than one storm
5 event, but the storm event that we've got is sufficient
6 to damage the structure or the roof covering to the
7 extent it needs to be replaced. And that's the
8 condition conclusion I draw here.

9 The storm event dated 3/13 seemed to possess
10 all the characteristics to have damaged the roof so that
11 it would require replacement. Was there any damage from
12 another prior storm event that was not reported?
13 Perhaps, but I don't think that precludes the fact that
14 this storm event here would necessitate the replacement
15 of the roof.

16 Q. Did you look at any other storm events?

17 A. I -- there's a StormIntel that we've got as
18 part of this report, and it's got other storm events,
19 but those -- you know, they will list other events that
20 happened within one mile or three miles. And, you know,
21 there's a lot of -- if you go to some of the meetings,
22 some of the people that discuss these things, they don't
23 always report them exactly where the storm event
24 occurred. They might report it in Tyler, Texas, and it
25 just happens to fall in downtown Tyler. They'll put the

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1 pin on the ZIP code on the town, not exactly where the
2 storm hit. So I --

3 Q. So that -- that could certainly happen with
4 regard to the storm on March 13th, 2019 as well, right?

5 A. You could, but there's always isolated pockets
6 on any kind of a storm, wind and hail. You'll have high
7 wind over here and less over there, but, you know, they
8 want to report it as one storm event with high winds of
9 62 miles an hour. And, you know, it may have been 82
10 miles an hour on one side of the storm and 58 on the
11 other.

12 It's -- typically, when you have a hailstorm,
13 the taller they are, the larger hail they have. And at
14 some point, those storms collapse, and they -- they have
15 an outflow or a microburst where that wind comes down,
16 and it can be very strong. And, you know, that's not
17 going to be evenly dispersed throughout a storm.

18 So, you know, we get close to a storm -- we've
19 had three-quarter-inch hail on this report within one
20 mile of the location. There could have been a larger
21 hailstone embedded in that storm. They're not all going
22 to be exactly the same size. And it's going to have
23 wind.

24 Q. So -- and this is the storm you're talking
25 about this -- the storm -- the hail history report that

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1 you -- you pulled this report, correct? This was on
2 your --

3 A. Yes, I did.

4 Q. And this is Page 5 of your report, right?

5 A. That's -- looks to be correct.

6 Q. I think so. I didn't -- yeah, Page 5. Sorry.
7 I didn't realize I didn't have the whole page showing.

8 And it looks like the search period that you searched
9 was from January 1st, 2019 through December 31, 2019.

10 So did you -- did you look at any storms outside -- any
11 hailstorms outside of that period?

12 A. Sometimes we will. It --

13 Q. Did you in this case?

14 A. Well, there's the date range that I put on the
15 storm. I -- I don't recall. I felt like this was
16 sufficient to establish the storm event here.

17 Q. And we talked about this earlier, but you went
18 and inspected the property three years -- almost three
19 years after the storm, right?

20 A. I believe that's correct.

21 Q. Do you know whether or not there were any
22 storms in between March 13th, 2019 and the date that you
23 inspected?

24 A. I'm sure there would have been.

25 Q. Do you know -- did you look at any of those

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1 hailstorms?

2 A. I -- no, I didn't. I -- I don't recall.

3 Q. All right. I am going to share what I'm
4 marking as Exhibit 3.

5 (Exhibit 3 marked.)

6 BY MS. BRUNING:

7 Q. And this is a StormIntel Verify Hail History
8 Report that I actually pulled this morning. It's from
9 the same website that you got yours, this
10 weatherguidance.com. And it shows at least two other
11 storms in 2020, in July 2020 and October 2020, that
12 had -- that reported .75 and then one-inch hail in the
13 July 2020 storm that were between that March 2019 and
14 then your date of inspection. Did you know anything
15 about these -- did you look into these storms at all in
16 your analysis?

17 A. Again, my opinion is the storm date that we
18 had, the March '19 storm, was sufficient to require
19 replacement on the roof. And we could have had
20 subsequent damage, and, you know, if the roof is already
21 totaled, I don't know what benefit it is to have
22 subsequent damage on it.

23 Q. But you didn't look at the roof before these
24 storms. So how would you know it was totaled at the
25 time of the March 2019 storm?

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1 A. I -- I assumed that the patches and things were
2 done at that time, and that's -- that's -- was the first
3 date that we had damage that I felt was -- would cause
4 the roof to be totaled, wind and hail.

5 Q. Did you look at any storms prior to the 2019
6 storm?

7 A. I don't recall.

8 Q. So I'm going to share my screen again. This is
9 a CoreLogic report that was -- that was pulled by Church
10 Mutual -- Church Mutual's engineer, a hail verification
11 report with CoreLogic. And based on this report, there
12 were at least one, two, three, four, five storms
13 reported at the location with the same -- same or
14 similar size hail; is that correct? And these are all
15 dated before March 13th, 2009 [sic]; is that correct?

16 A. I see what you're highlighting.

17 Q. And it -- I'm stating that correctly, though,
18 right, that these storms also reported hail in that --
19 the same size range as the March -- March 13th, 2019
20 storm?

21 A. That appears to be correct.

22 Q. Okay. And did you rule out any of these other
23 storms?

24 A. I felt like the storm and the date that I
25 pulled up on -- on the StormIntel was the storm that was

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1 sufficient to require the roof to be totally replaced,
2 to require that. And so going and looking for other
3 dates, I have no doubt that that weren't [sic] other
4 storms that passed through the area, but that's the
5 storm that I attribute it to that seemed the most likely
6 to me to cause the damage requiring the roof to be
7 replaced.

8 Q. But if you didn't look at these other storms,
9 how -- you know, if you didn't look at the weather data
10 on these other storms, how can you state definitively
11 that they couldn't have caused that damage that you're
12 -- that you see? What's the -- what's the basis for
13 that opinion?

14 MR. CIRCELLI: Objection, form.

15 A. You know, I'm -- I'm going to say that it
16 was -- we may have had that date reported by the fellow
17 that showed us in the building. I -- I don't know what
18 led us to that date to begin with, but that's the one
19 that seemed the most reasonable to me to cause the
20 damage on the roof.

21 BY MS. BRUNING:

22 Q. All right. But you didn't look at any of these
23 other dates, right?

24 MR. CIRCELLI: Objection, form.

25 A. Well, no, I didn't, not that I recall.

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1 BY MS. BRUNING:

2 Q. Okay. In terms of, you know, the potential
3 other causes of damage -- well, here, let me -- sorry.
4 Let me pull up your report again. And, actually, let me
5 go back. I'll go back again about the wind damage.

6 The wind damage that you identified, you've
7 stated -- in fact, I think a lot of your testimony
8 has -- you've basically stated that the -- that a lot of
9 your opinion on the wind damage specifically relates to
10 the repairs that they -- that the church did at the --
11 at the property, correct?

12 A. Well, there were repairs. There was evidence
13 of repairs having been made, but there were also areas
14 that -- that showed damage that hadn't been repaired.

15 Q. Did you do -- do you know when the repairs had
16 been made to the church?

17 A. I can't definitively say when those were done.
18 I don't recall.

19 Q. Okay. And in terms of the wind history report
20 that you pulled -- this is from your report, Page 6.
21 And again, you -- your search period was on only in
22 2019, January 1st, 2019 through December 31st, 2019.
23 There are a number of wind -- wind events listed on
24 this -- on this report; is that correct?

25 A. Yes.

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I, JAMES MAXWELL JUDGE, have read the foregoing
deposition and hereby affix my signature that same is
true and correct, except as noted above.

JAMES MAXWELL JUDGE

THE STATE OF _____)
COUNTY OF _____)

Before me, _____, on this day
personally appeared JAMES MAXWELL JUDGE, known to me or
proved to me on the oath of _____ or through
_____ (description of identity card
or other document) to be the person whose name is
subscribed to the foregoing instrument and acknowledged
to me that he/she executed the same for the purpose and
consideration therein expressed.

Given under my hand and seal of office on this _____
day of _____, _____.

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

My Commission Expires: _____



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1
2
3
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5
6
7
8 I declare under penalty of perjury that the
9 foregoing is true and correct.
10

11 _____
12 JAMES MAXWELL JUDGE
13
14

15 SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned
16 authority, by the witness, JAMES MAXWELL JUDGE, on this
17 the ____ day of _____, _____.
18

19 _____
20 NOTARY PUBLIC IN AND FOR
21 THE STATE OF _____
22

23 My Commission Expires: _____
24
25

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REPORTER'S CERTIFICATE

ORAL VIDEOTAPED DEPOSITION OF JAMES MAXWELL JUDGE

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I, the undersigned Certified Shorthand Reporter in
and for the State of Texas, certify that the facts
stated in the foregoing pages are true and correct.

I further certify that I am neither attorney or
counsel for, related to, nor employed by any parties to
the action in which this testimony is taken and,
further, that I am not a relative or employee of any
counsel employed by the parties hereto or financially
interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of
office on this the 10th day of June,
2022.



Debra K. Zebert, BS, RPR, CSR
RPR No. 839015
Expiration: 12/31/22